

S.No.215

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-245 of 2019 (O&M)

Date of Decision:24.01.2019

Ahsan @ SonuPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG,
Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.401 dated 21.09.2017 registered under Sections 458, 380 IPC (while filing challan, Sections 458/380 IPC deleted and Section 395/397 added) at Police Station Indri, Karnal.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. Admittedly, the petitioner is not named in the FIR. His name has been roped in the case on the basis of an alleged disclosure statement of the co-accused, namely, Mehardeen, which he is alleged to have made in another case. Except the disclosure statement, there is no evidence against the petitioner, whatsoever, to connect him to the alleged incident in the present case. Counsel has further contended that except these two cases, which have been concocted on the basis of statement of Mehardeen, the petitioner is having a clean record. There is no other case against the petitioner except these two cases. The

petitioner is in custody since 28.03.2018. Despite that, no witness has been examined so far. The petitioner is not required for any investigation purposes.

On the other hand, learned counsel for the State, being instructed by ASI Shri Bhagwan, submits that there is recovery of Rs.25,000/- from the petitioner in this case. The name of the petitioner has been duly disclosed by the co-accused Mehardeen, in this case as well as in another case. However, counsel has not been able to point out any other evidence against the petitioner; except the alleged disclosure statement and the alleged recovery of Rs.25,000/- from the petitioner. It is also not disputed that the petitioner is in custody since 28.03.2018 and that no witness has been examined so far.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

January 24, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No